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FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			PARRY, CHRISTOPHER L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/996,007	MAEDA ET AL.
	Examiner	Art Unit
	Chris Parry	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 July 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3,5-10 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,5-10 and 15-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3, 5-10, and 15-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1, 5-7, 9-10, 15, and 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected because, on page 3, line 10 of the amended claims, the limitation "wherein the verifying means verifies that the program selected by the user may be received in a broadcast territory..." is found to be contradictory. It is not possible to verify that a program selected by the user may be received in a broadcast territory identified by the user, while at the same time displaying an alert message if a program selected by the user cannot be displayed if the program is not available in the broadcast territory identified by the user.

Claims 5-7, 9-10, 15, and 18-19 are rejected for the same reason as claim 1 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. "Ellis" (USPN 6,898,762) in view of Kahn (USPN 6,898,762) in view of DeWeese et al. "DeWeese" (US Pub No. 2005/0262542) [cited in previous office action].

Regarding Claim 1, Ellis discloses an information processing apparatus (22 – figure 2a) comprising:

acquisition means (28 – figure 3) for acquiring data of an electronic program guide (Col. 7, lines 50-55; Col. 11, lines 3-13);

electronic program guide display controlling means (42 – figure 4) for controlling the display of said electronic program guide based on data of said electronic program guide acquired by said acquisition means (Col. 9, lines 18-23 & 40-46);

selection means (46 – figure 4) for selecting a preset program based on said electronic program guide controlled as to display by said electronic program guide display controlling means (Col. 9, lines 56-66; Col. 10, lines 40-50; Col. 11, lines 19-25).

However, Ellis fails to disclose verifying means for verifying whether a program selected is receivable and wherein the verifying means verifies the program selected by

the user is receivable based on the broadcast territory, and output information controlling means for controlling the information output.

In an analogous art, Kahn discloses an information processing apparatus (38 – figure 2-3) comprising: verifying means (42 – figure 3) for verifying whether or not said program selected by said selecting means is a program of a channel that is receivable (Col. 5, line 46 to Col. 6, line 17; Col. 7, line 61 to Col. 8, line 29);

Kahn further discloses wherein the verifying means verifies that the program selected by the user may be received in a broadcast territory (i.e., his/her home) (Col. 5, lines 12-42), the broadcast territory identified by the user, such that when a program selected by the user may not be received in the broadcast territory identified by the user an alert message is displayed in the electronic program guide (Col. 7, lines 22-57). Kahn discloses that based on the location of a user's IRD 38, security packets are sent to the user's IRD that include authorization information that identifies programs that can be decrypted by IRD 38 and these received packets are analyzed by the microprocessor 42. Using this information, microprocessor 42 is able to determine whether the user is authorized to receive the selected program, based on the bitmap flags for each program that are set for his/her home or "broadcast territory".

Kahn teaches output information controlling means (44 – figure 3) for controlling the information output for having the viewer recognize that, if the program selected by said selection means is verified as not being a program of a channel that is receivable, said program is not receivable (Col. 4, line 66 to Col. 5, line 18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to modify Ellis to include verifying means for verifying whether a program selected is receivable and wherein the verifying means verifies the program selected by the user is receivable based on the broadcast territory, and output information controlling means for controlling the information output as taught by Kahn for the benefit of restricting the user's reception of certain programs and enabling dynamic channel authorizations.

Ellis discloses the use of chat groups (Col. 12, lines 45-49), however the combination of Ellis and Kahn fail to disclose command means for commanding display of a chat and chat display controlling means.

In an analogous art, DeWeese discloses an information processing apparatus (20 – figure 1A) comprising: command means (i.e., processor within set-top box 26) for commanding display of a chat (¶ 60); and chat display controlling means for controlling the display of a chat window so that, when display of the chat is commanded by said command means, the chat window display is not overlapped with the display of the electronic program guide (figure 9) (¶ 66 and 93).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ellis and Kahn to include command means for commanding display of a chat and chat display controlling means as taught by DeWeese for the benefit of allowing users to simultaneously watch a television program and send real-time communications to other users who are viewing the same program at the same time.

As for Claim 3, the combination of Ellis, Kahn, and DeWeese disclose, in particular Ellis teaches wherein said output information controlling means displays a background picture if the program selected by said selection means is not receivable (Col. 10, lines 50-56 [Knudson – figure 27; ¶ 132]).

Regarding Claims 5 and 6, Ellis discloses an information processing method and recording medium having recorded therein a computer-readable program, comprising: an acquisition step of acquiring data of an electronic program guide (Col. 7, lines 50-55; Col. 11, lines 3-13).

Ellis further discloses an electronic program guide display controlling step of controlling the display of said electronic program guide based on data of said electronic program guide acquired by processing in said acquisition step (Col. 9, lines 18-23 & 40-46).

Ellis teaches a selection step of selecting a preset program based on said electronic program guide controlled as to-display by processing in said electronic program guide display controlling step (Col. 9, lines 56-66; Col. 10, lines 40-50; Col. 11, lines 19-25).

However, Ellis fails to disclose verifying means for verifying whether a program selected is receivable and wherein the verifying means verifies the program selected by the user is receivable based on the broadcast territory, and output information controlling means for controlling the information output.

In an analogous art, Kahn discloses an information processing method and recording medium comprising: a verifying step for verifying whether or not said program selected by said selecting means is a program of a channel that is receivable (Col. 5, line 46 to Col. 6, line 17; Col. 7, line 61 to Col. 8, line 29);

Kahn further discloses wherein the verifying step verifies that the program selected by the user may be received in a broadcast territory (i.e., his/her home) (Col. 5, lines 12-42), the broadcast territory identified by the user, such that when a program selected by the user may not be received in the broadcast territory identified by the user an alert message is displayed in the electronic program guide (Col. 7, lines 22-57). Kahn discloses that based on the location of a user's IRD 38, security packets are sent to the user's IRD that include authorization information that identifies programs that can be decrypted by IRD 38 and these received packets are analyzed by the microprocessor 42. Using this information, microprocessor 42 is able to determine whether the user is authorized to receive the selected program, based on the bitmap flags for each program that are set for his/her home or "broadcast territory".

Kahn teaches output information controlling step for controlling the information output for having the viewer recognize that, if the program selected by said selection means is verified as not being a program of a channel that is receivable, said program is not receivable (Col. 4, line 66 to Col. 5, line 18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to include verifying means for verifying whether a program selected is receivable and wherein the verifying means verifies the program selected by the user is receivable.

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based on the broadcast territory, and output information controlling means for controlling the information output as taught by Kahn for the benefit of restricting the user's reception of certain programs and enabling dynamic channel authorizations.

Ellis discloses the use of chat groups (Col. 12, lines 45-49), however the combination of Ellis and Kahn fail to disclose command means for commanding display of a chat and chat display controlling means.

In an analogous art, DeWeese discloses an information processing method and recording medium comprising: a command step for commanding display of a chat (¶ 60); and chat display controlling means for controlling the display of a chat window so that, when display of the chat is commanded by said command means, the chat window display is not overlapped with the display of the electronic program guide (figure 9) (¶ 66 and 93).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ellis and Kahn to include command means for commanding display of a chat and chat display controlling means as taught by DeWeese for the benefit of allowing users to simultaneously watch a television program and send real-time communications to other users who are viewing the same program at the same time.

6. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman (USPN 6,072,983) [cited in previous office action] in view of Kahn in view of DeWeese.

Regarding Claim 7, Klosterman discloses an information processing apparatus

(figure 1B) comprising:

acquisition means (20 –figure 1B) for acquiring data of an electronic program guide (col. 5, lines 5-8 & 22-30)

first retrieval means (28 – figure 1B) for retrieving a program aired within a preset time as from the current time, based on the electronic program guide data acquired by said acquisition means (Col. 4, lines 55-65)

second retrieval means (36 –figure 1A) for retrieving the program aired at the current time, from the electronic program guide data acquired by said acquisition means (Col. 8, lines 26-43)

selection means (20 – figure 1B) for selecting one of retrieval by said first retrieval means and retrieval by said second retrieval means (Col. 8, lines 44-60).

electronic program guide display controlling means (20 – figure 1B) for controlling the display of said electronic program guide based on retrieved results by said first retrieval means (Col. 7, lines 5-9 & 43-48).

Klosterman however fails to disclose wherein the selection means verifies that the program selected by user may be received in the broadcast territory. In an analogous art, Kahn discloses an information processing apparatus (38 –figure 2) comprising: wherein the selection means (42 – figure 3) verifies that the program selected by the user may be received in a broadcast territory (i.e., his/her home) (Col. 5, lines 12-42), the broadcast territory identified by the user, such that when a program selected by the user may not be received in the broadcast territory identified by the user

an alert message is displayed in the electronic program guide (Col. 7, lines 22-57). Kahn discloses that based on the location of a user's IRD 38, security packets are sent to the user's IRD that include authorization information that identifies programs that can be decrypted by IRD 38 and these received packets are analyzed by the microprocessor 42. Using this information, microprocessor 42 is able to determine whether the user is authorized to receive the selected program, based on the bitmap flags for each program that are set for his/her home or "broadcast territory".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman to include selection means to verify the program selected by a user is receivable based on the broadcast territory as taught by Kahn for the benefit of restricting the user's reception of certain programs and enabling dynamic channel authorizations.

The combination of Klosterman and Kahn fail to disclose command means for commanding display of a chat and chat display controlling means for controlling the display of a chat window.

In an analogous art, DeWeese discloses an information processing apparatus (20 – figure 1A) comprising: command means (i.e., processor within set-top box 26) for commanding display of a chat (¶ 60); and chat display controlling means for controlling the display of a chat window so that, when display of the chat is commanded by said command means, the chat window display is not overlapped with the display of the electronic program guide (figure 9) (¶ 66 and 93).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Klosterman and Kahn to include command means for commanding display of a chat and chat display controlling means as taught by DeWeese for the benefit of allowing users to simultaneously watch a television program and send real-time communications to other users who are viewing the same program at the same time.

As for Claim 8, the combination of Klosterman, Kahn and DeWeese disclose, in particular Klosterman teaches designating means (32 – figure 1B) for designating a program to be received (scroll on screen cursor using remote to a desired show) based on said electronic program guide controlled as to display (after selecting desired show, strike the “enter” key) by said electronic program guide display controlling means (Col. 8, lines 5-11 & 25-32).

Regarding Claims 9 and 10, Klosterman discloses an information processing method and recording medium having recorded thereon a computer-readable program, comprising:

an acquisition step for acquiring data of an electronic program guide (col. 5, lines 5-8 & 22-30)

a first retrieval step for retrieving a program aired within a preset time as from the current time, based on the electronic program guide data acquired by said acquisition means (Col. 4, lines 55-65)

a second retrieval step for retrieving the program aired at the current time, from the electronic program guide data acquired by said acquisition means (Col. 8, lines 26-43)

a selection step for selecting one of retrieval by said first retrieval means and retrieval by said second retrieval means (Col. 8, lines 44-60).

an electronic program guide display controlling step for controlling the display of said electronic program guide based on retrieved results by said first retrieval means (Col. 7, lines 5-9 & 43-48).

Klosterman however fails to disclose wherein the selection step verifies that the program selected by user may be received in the broadcast territory. In an analogous art, Kahn discloses an information processing method and recording medium comprising: wherein the selection step verifies that the program selected by the user may be received in a broadcast territory (i.e., his/her home) (Col. 5, lines 12-42), the broadcast territory identified by the user, such that when a program selected by the user may not be received in the broadcast territory identified by the user an alert message is displayed in the electronic program guide (Col. 7, lines 22-57). Kahn discloses that based on the location of a user's IRD 38, security packets are sent to the user's IRD that include authorization information that identifies programs that can be decrypted by IRD 38 and these received packets are analyzed by the microprocessor 42. Using this information, microprocessor 42 is able to determine whether the user is authorized to receive the selected program, based on the bitmap flags for each program that are set for his/her home or "broadcast territory".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman to include a selection step to verify the program selected by a user is receivable based on the broadcast territory as taught by Kahn for the benefit of restricting the user's reception of certain programs and enabling dynamic channel authorizations.

The combination of Klosterman and Kahn fail to disclose a command step for commanding display of a chat and a chat display controlling step for controlling the display of a chat window.

In an analogous art, DeWeese discloses an information processing method and recording medium comprising: a command step for commanding display of a chat (¶ 60); and a chat display controlling means for controlling the display of a chat window so that, when display of the chat is commanded by said command means, the chat window display is not overlapped with the display of the electronic program guide (figure 9) (¶ 66 and 93).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Klosterman and Kahn to include command means for commanding display of a chat and chat display controlling means as taught by DeWeese for the benefit of allowing users to simultaneously watch a television program and send real-time communications to other users who are viewing the same program at the same time.

7. Claims 15-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et al. "Klosterman" (USPN 5,940,073) [cited in previous office action] in view of Kahn in view of DeWeese.

Regarding Claim 15, Klosterman discloses an information processing apparatus (118 – figure 1) comprising: web information acquisition means for acquiring data of the web information (Col. 4, lines 45-67; Col. 9, lines 19-30).

Klosterman further discloses program information acquisition (138 – figure 1) means for acquiring data of the program information being television broadcast (Col. 4, lines 37-67).

Klosterman teaches information display controlling means for controlling simultaneous display (figure 6d) of said web information (680 – figure 6d) and the program information (688 – figure 6d) based on the data of the web information acquired by said web information acquisition means and the data of the program information acquired by said program information acquisition means (figure 6d) (Col. 9, lines 35-67).

Klosterman further teaches changing means for changing said program information to be acquired, in a state in which said web information and the program information are displayed simultaneously (Col. 9, lines 54-67).

Klosterman however fails to disclose wherein the acquisition verifies that the program selected by user may be received in the broadcast territory. In an analogous art, Kahn discloses an information processing apparatus (38 – figure 2) comprising: wherein the acquisition means verifies that a program selected by the user may be

received in a broadcast territory (i.e., his/her home) (Col. 5, lines 12-42), the broadcast territory identified by the user, such that when a program selected by the user may not be received in the broadcast territory identified by the user an alert message is displayed in the electronic program guide (Col. 7, lines 22-57). Kahn discloses that based on the location of a user's IRD 38, security packets are sent to the user's IRD that include authorization information that identifies programs that can be decrypted by IRD 38 and these received packets are analyzed by the microprocessor 42. Using this information, microprocessor 42 is able to determine whether the user is authorized to receive the selected program, based on the bitmap flags for each program that are set for his/her home or "broadcast territory".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman to include an acquisition means to verify a program selected by a user is receivable based on the broadcast territory as taught by Kahn for the benefit of restricting the user's reception of certain programs and enabling dynamic channel authorizations.

The combination of Klosterman and Kahn fail to disclose command means for commanding display of a chat and a chat display controlling means for controlling the display of a chat window.

In an analogous art, DeWeese discloses an information processing apparatus (20 – figure 1) comprising: command means (i.e., processor within set-top box 26) for commanding display of a chat (¶ 60); and chat display controlling means for controlling the display of a chat window so that, when display of the chat is commanded by said

command means, the chat window display is not overlapped with the display of the electronic program guide (figure 9) (¶ 66 and 93).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Klosterman and Kahn to include command means for commanding display of a chat and chat display controlling means as taught by DeWeese for the benefit of allowing users to simultaneously watch a television program and send real-time communications to other users who are viewing the same program at the same time.

As for Claim 16, the combination of Klosterman, Kahn, and DeWeese disclose, in particular Klosterman wherein said changing means changes a broadcasting channel being received as said program information (Col. 10, lines 9-14).

Regarding Claims 18 and 19, Klosterman discloses an information processing method and recording medium having recorded thereon a computer-readable program, comprising: a web information acquisition step for acquiring data of the web information (Col. 4, lines 45-67; Col. 9, lines 19-30).

Klosterman further discloses a program information acquisition (138 – figure 1) step for acquiring data of the program information being television broadcast (Col. 4, lines 37-67).

Klosterman teaches an information display controlling step for controlling simultaneous display (figure 6d) of said web information (680 – figure 6d) and the

program information (688 – figure 6d) based on the data of the web information acquired by said web information acquisition step and the data of the program information acquired by said program information acquisition step (figure 6d) (Col. 9, lines 35-67).

Klosterman further teaches a changing step for changing said program information to be acquired, in a state in which said web information and the program information are displayed simultaneously (Col. 9, lines 54-67).

Klosterman however fails to disclose wherein the acquisition verifies that the program selected by user may be received in the broadcast territory. In an analogous art, Kahn discloses an information processing method and recording medium comprising: wherein the program acquisition step verifies that a program selected by the user may be received in a broadcast territory (i.e., his/her home) (Col. 5, lines 12-42), the broadcast territory identified by the user, such that when a program selected by the user may not be received in the broadcast territory identified by the user an alert message is displayed in the electronic program guide (Col. 7, lines 22-57). Kahn discloses that based on the location of a user's IRD 38, security packets are sent to the user's IRD that include authorization information that identifies programs that can be decrypted by IRD 38 and these received packets are analyzed by the microprocessor 42. Using this information, microprocessor 42 is able to determine whether the user is authorized to received the selected program, based on the bitmap flags for each program that are set for his/her home or "broadcast territory".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman to include a program acquisition step to verify a program selected by a user is receivable based on the broadcast territory as taught by Kahn for the benefit of restricting the user's reception of certain programs and enabling dynamic channel authorizations.

The combination of Klosterman and Kahn fail to disclose command step for commanding display of a chat and a chat display controlling step for controlling the display of a chat window.

In an analogous art, DeWeese discloses an information processing apparatus (20 – figure 1) comprising: a command step (i.e., processor within set-top box 26) for commanding display of a chat (¶ 60); and a chat display controlling step for controlling the display of a chat window so that, when display of the chat is commanded by said command step, the chat window display is not overlapped with the display of the electronic program guide (figure 9) (¶ 66 and 93).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Klosterman and Kahn to include a command step for commanding display of a chat and a chat display controlling step as taught by DeWeese for the benefit of allowing users to simultaneously watch a television program and send real-time communications to other users who are viewing the same program at the same time.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Kahn in view of DeWeese as applied to claim 15 above, and further in view of Klosterman "Klosterman '983" (USPN 6,072,983).

As for Claim 17, the combination of Klosterman, Kahn, and DeWeese fail to disclose the information processing apparatus according to claim 15 wherein said changing means erases a broadcasting channel being received as said program information.

In an analogous art, Klosterman '983 teaches wherein said changing means erases a broadcasting channel being received as said program information (Col. 7, lines 25-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Klosterman, Kahn, and DeWeese to include changing means erases a broadcasting channel being received as said program information as taught by Klosterman '983 for the benefit of removing duplicate channel listings from the electronic program guide so as to provide a more consolidated guide for the user.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chris Parry
Examiner
Art Unit 2623

/CP/



CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600